

1-1 By: Birdwell, et al. S.B. No. 11
 1-2 (In the Senate - Filed January 26, 2015; January 28, 2015,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 February 18, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 2;
 1-6 February 18, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10		X		
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17		X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 11 By: Birdwell

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the carrying of handguns on the campuses of and certain
 1-22 other locations associated with institutions of higher education.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter H, Chapter 411, Government Code, is
 1-25 amended by adding Section 411.2031 to read as follows:

1-26 Sec. 411.2031. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON
 1-27 CERTAIN CAMPUSES. (a) For purposes of this section:

1-28 (1) "Campus" means all land and buildings owned or
 1-29 leased by an institution of higher education or private or
 1-30 independent institution of higher education.

1-31 (2) "Institution of higher education" and "private or
 1-32 independent institution of higher education" have the meanings
 1-33 assigned by Section 61.003, Education Code.

1-34 (3) "Premises" has the meaning assigned by Section
 1-35 46.035, Penal Code.

1-36 (b) A license holder may carry a concealed handgun on or
 1-37 about the license holder's person while the license holder is on the
 1-38 campus of an institution of higher education or private or
 1-39 independent institution of higher education in this state.

1-40 (c) Except as provided by Subsection (d) or (e), an
 1-41 institution of higher education or private or independent
 1-42 institution of higher education in this state may not adopt any
 1-43 rule, regulation, or other provision prohibiting license holders
 1-44 from carrying handguns on the campus of the institution.

1-45 (d) An institution of higher education or private or
 1-46 independent institution of higher education in this state may
 1-47 establish rules, regulations, or other provisions concerning the
 1-48 storage of handguns in dormitories or other residential facilities
 1-49 that are owned or leased and operated by the institution and located
 1-50 on the campus of the institution.

1-51 (e) A private or independent institution of higher
 1-52 education in this state, after consulting with students, staff, and
 1-53 faculty of the institution, may establish rules, regulations, or
 1-54 other provisions prohibiting license holders from carrying
 1-55 handguns on premises that are owned or leased and operated by the
 1-56 institution and located on the campus of the institution.

1-57 (f) This section does not permit a person to possess a
 1-58 concealed handgun, or go with a concealed handgun, on the premises
 1-59 of a hospital maintained or operated by an institution of higher
 1-60 education or private or independent institution of higher education

2-1 if the hospital gives effective notice under Section 30.06, Penal
2-2 Code. In this subsection, "hospital" has the meaning assigned by
2-3 Section 241.003, Health and Safety Code.

2-4 (g) This section does not permit a person to possess a
2-5 concealed handgun, or go with a concealed handgun, on the premises
2-6 of a preschool, elementary school, or secondary school that is
2-7 located on the campus of an institution of higher education or
2-8 private or independent institution of higher education if the
2-9 institution gives effective notice under Section 30.06, Penal Code.

2-10 SECTION 2. If S.B. No. 17, Acts of the 84th Legislature,
2-11 Regular Session, 2015, becomes law, Subchapter H, Chapter 411,
2-12 Government Code, is amended by adding Section 411.2033 to read as
2-13 follows:

2-14 Sec. 411.2033. CARRYING OF UNCONCEALED HANDGUNS BY LICENSE
2-15 HOLDERS ON PUBLIC OR PRIVATE HIGHER EDUCATION CAMPUSES. (a) For
2-16 the purposes of this section, "campus," "institution of higher
2-17 education," and "private or independent institution of higher
2-18 education" have the meanings assigned by Section 411.2031.

2-19 (b) Notwithstanding any other law, a license holder may not
2-20 carry a handgun on the campus of an institution of higher education
2-21 or private or independent institution of higher education in this
2-22 state if the handgun is wholly or partially visible, regardless of
2-23 whether the handgun is carried in a shoulder or belt holster.

2-24 SECTION 3. Section 411.208, Government Code, is amended by
2-25 amending Subsections (a), (b), and (d) and adding Subsection (f) to
2-26 read as follows:

2-27 (a) A court may not hold the state, an agency or subdivision
2-28 of the state, an officer or employee of the state, an institution of
2-29 higher education, an officer or employee of an institution of
2-30 higher education, a private or independent institution of higher
2-31 education that has not adopted rules under Section 411.2031(e), an
2-32 officer or employee of a private or independent institution of
2-33 higher education that has not adopted rules under Section
2-34 411.2031(e), a peace officer, or a qualified handgun instructor
2-35 liable for damages caused by:

2-36 (1) an action authorized under this subchapter or a
2-37 failure to perform a duty imposed by this subchapter; or

2-38 (2) the actions of an applicant or license holder that
2-39 occur after the applicant has received a license or been denied a
2-40 license under this subchapter.

2-41 (b) A cause of action in damages may not be brought against
2-42 the state, an agency or subdivision of the state, an officer or
2-43 employee of the state, an institution of higher education, an
2-44 officer or employee of an institution of higher education, a
2-45 private or independent institution of higher education that has not
2-46 adopted rules under Section 411.2031(e), an officer or employee of
2-47 a private or independent institution of higher education that has
2-48 not adopted rules under Section 411.2031(e), a peace officer, or a
2-49 qualified handgun instructor for any damage caused by the actions
2-50 of an applicant or license holder under this subchapter.

2-51 (d) The immunities granted under Subsections (a), (b), and
2-52 (c) do not apply to:

2-53 (1) an act or a failure to act by the state, an agency
2-54 or subdivision of the state, an officer of the state, an institution
2-55 of higher education, an officer or employee of an institution of
2-56 higher education, a private or independent institution of higher
2-57 education that has not adopted rules under Section 411.2031(e), an
2-58 officer or employee of a private or independent institution of
2-59 higher education that has not adopted rules under Section
2-60 411.2031(e), or a peace officer if the act or failure to act was
2-61 capricious or arbitrary; or

2-62 (2) any officer or employee of an institution of
2-63 higher education or private or independent institution of higher
2-64 education described by Subdivision (1) who possesses a handgun on
2-65 the campus of that institution and whose conduct with regard to the
2-66 handgun is made the basis of a claim for personal injury or property
2-67 damage.

2-68 (f) For purposes of this section:

2-69 (1) "Campus" has the meaning assigned by Section

3-1 411.2031.

3-2 (2) "Institution of higher education" and "private or
 3-3 independent institution of higher education" have the meanings
 3-4 assigned by Section 61.003, Education Code.

3-5 SECTION 4. Section 46.03, Penal Code, is amended by
 3-6 amending Subsections (a) and (c) and adding Subsections (j) and (k)
 3-7 to read as follows:

3-8 (a) A person commits an offense if the person intentionally,
 3-9 knowingly, or recklessly possesses or goes with a firearm, illegal
 3-10 knife, club, or prohibited weapon listed in Section 46.05(a):

3-11 (1) on the physical premises of a school or
 3-12 educational institution, any grounds or building on which an
 3-13 activity sponsored by a school or educational institution is being
 3-14 conducted, or a passenger transportation vehicle of a school or
 3-15 educational institution, whether the school or educational
 3-16 institution is public or private, unless:

3-17 (A) pursuant to written regulations or written
 3-18 authorization of the institution; or

3-19 (B) the person possesses or goes with a concealed
 3-20 handgun that the person is licensed to carry under Subchapter H,
 3-21 Chapter 411, Government Code, and no other weapon to which this
 3-22 section applies, on the premises of an institution of higher
 3-23 education or private or independent institution of higher
 3-24 education, on any grounds or building on which an activity
 3-25 sponsored by the institution is being conducted, or in a passenger
 3-26 transportation vehicle of the institution;

3-27 (2) on the premises of a polling place on the day of an
 3-28 election or while early voting is in progress;

3-29 (3) on the premises of any government court or offices
 3-30 utilized by the court, unless pursuant to written regulations or
 3-31 written authorization of the court;

3-32 (4) on the premises of a racetrack;

3-33 (5) in or into a secured area of an airport; or

3-34 (6) within 1,000 feet of premises the location of
 3-35 which is designated by the Texas Department of Criminal Justice as a
 3-36 place of execution under Article 43.19, Code of Criminal Procedure,
 3-37 on a day that a sentence of death is set to be imposed on the
 3-38 designated premises and the person received notice that:

3-39 (A) going within 1,000 feet of the premises with
 3-40 a weapon listed under this subsection was prohibited; or

3-41 (B) possessing a weapon listed under this
 3-42 subsection within 1,000 feet of the premises was prohibited.

3-43 (c) In this section:

3-44 (1) "Institution of higher education" and "private or
 3-45 independent institution of higher education" have the meanings
 3-46 assigned by Section 61.003, Education Code.

3-47 (2) "Premises" has the meaning assigned by Section
 3-48 46.035.

3-49 (3) [~~(2)~~] "Secured area" means an area of an airport
 3-50 terminal building to which access is controlled by the inspection
 3-51 of persons and property under federal law.

3-52 (j) Subsection (a)(1)(B) does not permit a person to possess
 3-53 a concealed handgun, or go with a concealed handgun, on the premises
 3-54 of a hospital maintained or operated by an institution of higher
 3-55 education or private or independent institution of higher education
 3-56 if the hospital gives effective notice under Section 30.06. In this
 3-57 subsection, "hospital" has the meaning assigned by Section 241.003,
 3-58 Health and Safety Code.

3-59 (k) Subsection (a)(1)(B) does not permit a person to possess
 3-60 a concealed handgun, or go with a concealed handgun, on the premises
 3-61 of a preschool, elementary school, or secondary school that is
 3-62 located on the premises of an institution of higher education or
 3-63 private or independent institution of higher education if the
 3-64 institution gives effective notice under Section 30.06.

3-65 SECTION 5. Section 46.035, Penal Code, is amended by adding
 3-66 Subsection (l) to read as follows:

3-67 (l) Subsection (b)(2) does not apply on the premises where a
 3-68 collegiate sporting event is taking place if the actor was not given
 3-69 effective notice under Section 30.06.

4-1 SECTION 6. Section 411.208, Government Code, as amended by
4-2 this Act, applies only to a cause of action that accrues on or after
4-3 the effective date of this Act. A cause of action that accrues
4-4 before the effective date of this Act is governed by the law in
4-5 effect immediately before that date, and that law is continued in
4-6 effect for that purpose.

4-7 SECTION 7. The change in law made by this Act applies only
4-8 to an offense committed on or after the effective date of this Act.
4-9 An offense committed before the effective date of this Act is
4-10 governed by the law in effect on the date the offense was committed,
4-11 and the former law is continued in effect for that purpose. For
4-12 purposes of this section, an offense was committed before the
4-13 effective date of this Act if any element of the offense occurred
4-14 before that date.

4-15 SECTION 8. This Act takes effect September 1, 2015.

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